

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM J. JOHNSON, JR.,

Defendant.

8:09CR160

ORDER

Defendant William J. Johnson (Johnson) appeared before the court on February 27, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 44). Johnson was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Johnson waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Johnson should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Johnson proffered he would abide by conditions of release and presented matters concerning his current residential and employment situation. Since it is Johnson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Johnson has failed to carry his burden and that Johnson should be detained pending a dispositional hearing before Senior Judge Strom.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on March 28, 2013**. Defendant must be present in person.

2. Defendant William J. Johnson is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of February, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge